

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

**Monterey Park City Hall – Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
MARCH 22, 2016
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Rodrigo Garcia

PLEDGE OF ALLEGIANCE

ROLL CALL – Commissioners Choi, Sullivan, Lee, and Leung

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES – February 9, 2016 & February 23, 2016

[1.] CONSENT CALENDAR - None

[2.] UNFINISHED BUSINESS - None

[3.] NEW BUSINESS (PUBLIC HEARING)

3-A. CONDITIONAL USE PERMIT – 501 SOUTH ATLANTIC BOULEVARD (CUP-15-12)

The applicant, Catherine Fong, is requesting approval of a Conditional Use Permit to upgrade an existing Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) license to an ABC Type 47 (On-sale – General – Eating Place) license in conjunction with the operation of a bona fide public eating place (Pecking House 501, Inc., doing business as, Duck House) located at 501 South Atlantic Boulevard.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 as a Class 1 categorical exemption (Existing Facilities).

It is recommended that the Planning Commission consider taking the following actions:

- (1) Open the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-15-12), subject to conditions of approval contained therein, as well as amending Resolution 03-09 (CU-08-12) in its entirety; and
- (5) Taking such additional, related, action that may be desirable.

3-B. CONDITIONAL USE PERMIT – 2098 SOUTH ATLANTIC BOULEVARD (CUP-16-01)

The applicant, Steve Rawlings of Alcoholic Beverage Consulting, on behalf of Pieology Pizzeria, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41) for a public eating place (Private Party Restaurant) at 2098 South Atlantic Boulevard. The property is zoned S-C (Shopping Center) Zone.

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 as a Class 1 categorical exemption (Existing Facilities).

It is recommended that the Planning Commission consider taking the following actions:

- (6) Opening the public hearing;
- (7) Receiving documentary and testimonial evidence;
- (8) Closing the public hearing;
- (9) Adopting the Resolution approving Conditional Use Permit (CU-16-01) subject to conditions of approval; and
- (10) Taking such additional, related, action that may be desirable.

[4.] COMMISSION COMMUNICATIONS

[5.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION

[6.] STAFF UPDATES



Planning Commission Staff Report

DATE: March 22, 2016

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing approving Conditional Use Permit (CU-15-12) to upgrade an existing Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) license to an ABC Type 47 (On-Sale General – Eating Place) license in conjunction with a bona fide public eating place – 501 South Atlantic Boulevard.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-15-12), subject to conditions of approval contained therein, as well as amending Resolution 03-09 (CU-08-12) in its entirety; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Catherine Fong, is requesting modification of an approved Conditional Use Permit (CU-08-12) allowing the on-sale beer and wine (Type 41) license and upgrade to an on-sale general (Type 47) license in order to sell beer, wine, and distilled spirits in conjunction with the operation of a bona fide public eating place (Pecking House 501, Inc., doing business as, Duck House) located at 501 South Atlantic Boulevard. The property is zoned C-P (Commercial Professional) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit Modification (CUP-15-12) subject to the conditions contained in the Resolution to address any concerns that are typically associated with alcohol uses. An approval of this request for Conditional Use Permit Modification (CUP-15-12) for on-sale general (Type 47) license will include amending the previously approved Conditional Use Permit (CU-08-12) in its entirety. This will ensure that the property is regulated by only one Resolution.

Background

In 2001, the subject property had been granted approval for a Type-41 on-sale (beer and wine) license, in conjunction with an eating establishment, through the approval of Conditional Use Permit (CU-00-13). The previous business owners did not renew the license with the Alcoholic Beverage Control after March 2003. As a result, it was deemed null and void since the use granted ceased to exist or operate for more than one year. On March 10, 2009, the Planning Division adopted Resolution No. 03-09 approving Conditional Use Permit (CU-08-12) to permit on-sale ABC Type 41 (beer and wine) in conjunction with a bona fide eating establishment and rescinded Conditional Use Permit (CU-00-13).

Property Description

The subject property is located on the southwest corner of the South Atlantic Boulevard and Harding Avenue. The subject lot is 14,460 square feet (.33 acre) in size and is currently developed with a single-story commercial building occupied by a restaurant "Pecking House 501, Inc., doing business as, Duck House" totaling 3,356 square feet and its related parking. To the north of the subject property is a multi-story, financial building (Chase Bank), south are single-story commercial buildings, east is South Atlantic Boulevard followed by a mixture of different building types including single-story commercial buildings and a multi-story hotel and to the west are single-family residential zoned properties.

Surface parking is provided in front and to the rear of the building. There are a total of 23 at-grade parking spaces. The property is accessible from a single two-way driveway off of Atlantic Boulevard and Harding Avenue, and an alley located directly adjacent to the west of the subject property.

According to the floor plan submitted by the applicant, approximately one-third (1,164 square feet) of the restaurant is used for interior dining purposes and an additional 381 square feet for outdoor dining area. The interior dining area is made up of 14 square tables and 2 large round tables that provide 68 seats of which two are wheel chair accessible. The outdoor dining area provides 5 tables with 18 seats of which one is wheel chair accessible. The remaining area includes the kitchen service area, storage, an employee break room, entry/waiting area, and restrooms.

The restaurant will continue to serve lunch and dinner while maintaining its current hours of operation. The business operations, meal service and alcohol service hours are Monday through Sunday, from 11:30 a.m. to 3:00 p.m. for lunch and 5:00 p.m. to 10:00 p.m. for dinner. The on-site alcoholic beverages services will complement the restaurant's meals. No separate bar area is indicated on the floor plan of the restaurant, nor is any entertainment proposed for the business at this time.

According to the regulations promulgated by the California Department of Alcoholic Beverage Control (ABC), a total of 4 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4821.01. Based on a population of 1,574 in the census tract, ABC allows 4 on-sale licenses in this census tract; currently there are 7 licensed

establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN). Issuing a PCN is contingent upon the Planning Commission granting a Conditional Use Permit ("CUP"). A letter of public convenience or necessity (PCN) is required, to be filed with the Department of Alcohol Beverage Control, from the applicant to comply with ABC licensing requirements. Based on Staff's discussions with ABC for this project, if the CUP is approved by the City, and because this is an on-sale license in conjunction with a bona fide eating establishment, ABC will issue the PCN as a routine matter.

According to Monterey Park Municipal Code ("MPMC") § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-site sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached the building walls and parking lot area. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

The Police Department included condition numbers 27 through 36 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with food only.

This application is for a Type 47 on-sale general license for the serving of beer, wine and distilled spirits in conjunction with a bona fide public eating place. The applicant has clearly stated that it does not wish to provide entertainment uses. However, if a request were to be submitted at any future date, the applicant would have to request a modification to the CUP.

OTHER ITEMS:

Legal Notification

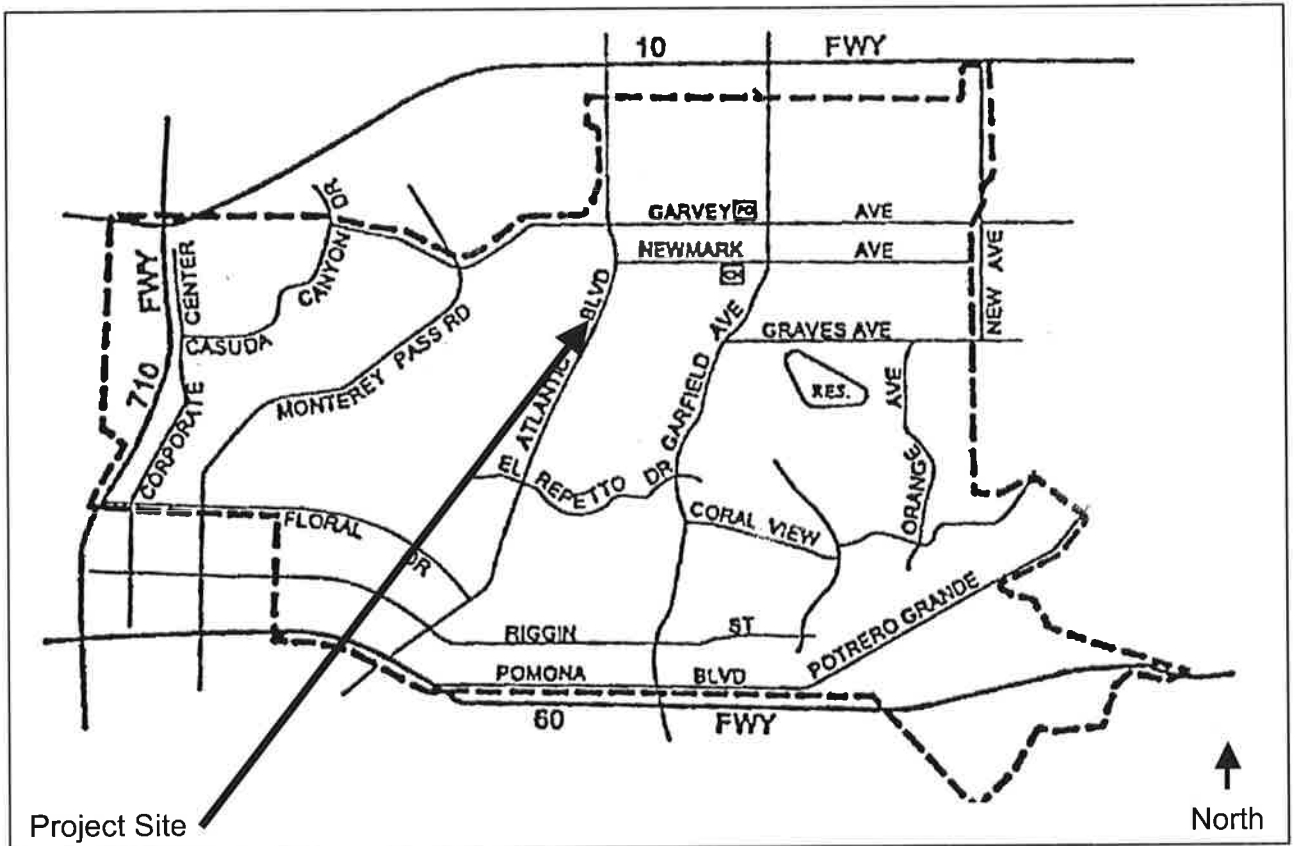
The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **March 10, 2016**, with affidavits of posting on file. The legal notice of this hearing was mailed to **42** property owners within a 300 feet radius and current tenants of the property concerned on **March 10, 2016**.

Environmental Assessment

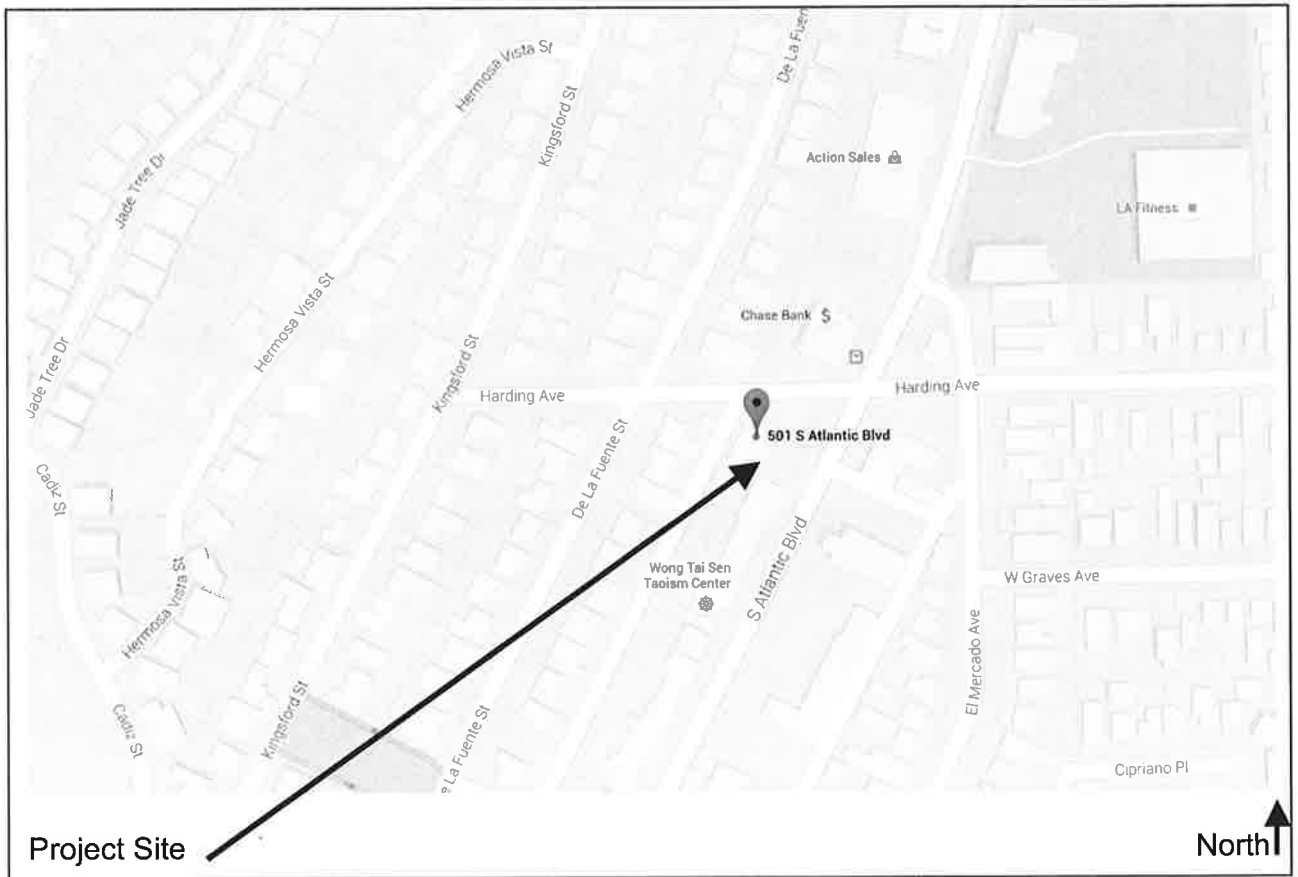
The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per State CEQA guidelines CEQA Guidelines §

15301 (Class 1 – Existing Facilities), because the project consists of the operation and licensing of an existing establishment.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site and floor plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NO. 03-09 (CU-08-12) IN ITS ENTIRETY AND APPROVING CONDITIONAL USE PERMIT (CUP-15-12) TO UPGRADE AN EXISTING ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 41 (ON-SALE BEER AND WINE – EATING PLACE) LICENSE TO AN ABC TYPE 47 (ON-SALE GENERAL – EATING PLACE) LICENSE IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 501 SOUTH ATLANTIC BOULEVARD.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On December 14, 2015, Catherine Fong, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-15-12) to permit an ABC Type 47 (on-sale general – eating place) license. As a result, Resolution No. 03-09 approving Conditional Use Permit (CU-08-12) would be amended in its entirety. The CUP affects a bona fide public eating place (Pecking Ducks 501, Inc., doing business as, Duck House) at 501 South Atlantic Boulevard ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for March 22, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On March 22, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Catherine Fong; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 22, 2016 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to serve beer, wine, and distilled spirits in conjunction with an existing retail eating establishment;

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- B. 501 South Atlantic Boulevard is zoned C-P (Commercial Professional) and designated C (Commercial) in the General Plan;
- C. The subject property is located on the southwest corner of South Atlantic Boulevard and Harding Avenue. The property is zoned C-P (Commercial Professional) and designated C (Commercial) in the General Plan. To the north of the subject property is a multi-story, financial building (Chase Bank), south are single-story commercial buildings, east is South Atlantic Boulevard followed by a mixture of different building types including single-story commercial building and a multi-story hotel and to the west are single-family residential zoned properties; and
- D. The lot is 14,460 square feet (.33 acre) in size and is currently developed with a single-story commercial building occupied by a restaurant "Pecking House 501, Inc., doing business as, Duck House" totaling 3,356 square feet and its related parking. There are a total of 23 at-grade parking spaces. The property is accessible from a single two-way driveway off of Atlantic Boulevard and Harding Avenue, and an alley located directly adjacent to the west of the subject property.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Class 1 – Existing Facilities).

SECTION 4: *Conditional Use Permit Findings.* Pursuant to MPMC §§ 21.10.230(B) and 21.32.020, the Planning Commission finds as follows:

1. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for a conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of distilled spirits to the existing beer and wine sales for on-site consumption to an existing restaurant. No physical changes are proposed to the site. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is not expected to significantly increase traffic. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is the addition of distilled spirits to the existing beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the C-P (Commercial Professional) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or

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valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

2. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use adds on-site beer, wine and distilled spirits sales in conjunction with a retailing eating establishment. The property is currently developed with a single-story commercial building totaling 3,356 square feet. On-sale of alcoholic beverage uses are permitted with a conditional use permit. The on-sale general will be complimentary to the existing restaurant use and will not have significant changes to ordinary restaurant operations. The restaurant will not have a separate bar or lounge area and entertainment uses are not permitted with this approval.

3. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned C-P (Commercial Professional). An eating establishment is a permitted principle use in the C-P Zone. Adjacent properties include C-P zoned lots to the north, south, and east. To the west are R-1 (Single-Family Residential) zoned properties developed with single-family residential dwelling units. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

4. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.

The applicant's request to add beer, wine and distilled spirits sales ABC (Type 47 on-sale general – eating place) license for on-site consumption in conjunction with the existing eating establishment will enhance the business and will not adversely affect the welfare of area residents since the addition of beer, wine, and distilled spirits sales, as mentioned, will be incidental to the primary use. According to ABC regulations, a total of 4 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4821.01. Based on a population of 1,574 in the census tract, ABC allows 4 on-sale licenses in the tract and currently licenses 7 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by the Department of ABC.

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According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The existing exterior lights provide adequate lighting without disturbing the adjacent properties. The Police Department has included condition numbers 27 through 36 in the Resolution to address security and alarm requirements.

SECTION 5: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-15-12). Resolution No. 03-09 (CU-08-12) is amended in its entirety to conform with this Resolution.

SECTION 6: Continuing Effectiveness. Repeal or amendment of any resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 7: Validity of Previous Resolution. If this entire Resolution or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of a previous Resolution will be rendered void and cause such previous Resolution to remain in full force and effect for all purposes.

SECTION 8: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any

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particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 11: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 12: A copy of this Resolution will be mailed to Catherine Fong and to any other person requesting a copy.

SECTION 13: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 14: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 22nd day of March 2016.

Chairperson Rodrigo Garcia

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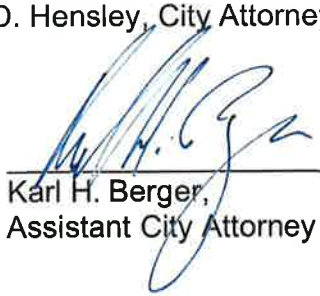
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 22nd day of March 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

501 SOUTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Catherine Fong, on behalf of Pecking Ducks 501, Inc. doing business as Duck House, agrees that Pecking Ducks 501, Inc. will comply with the following conditions of approval for Conditional Use Permit (CUP-15-12) ("Project Conditions").

PLANNING:

1. Pecking Ducks 501, Inc. (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-15-12 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-15-12, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a one year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The project must substantially conform to submitted plans date-stamped December 14, 2015 except as modified herein. Future modifications that are not in substantial conformance, as determined by the Planner, require modification of this approval subject to the provisions of MPMC§ 21.32.170.
4. The dining area cannot exceed the 1,164 square foot area with 16 tables and 68 seats as indicated on the floor plan. The outdoor dining area cannot exceed 381 square feet and remain consistent with the approved plans not exceeding a maximum of 5 tables and 18 seats.
5. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.

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6. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
7. The applicant/property owner must sign and have notarized an affidavit of acknowledging acceptance of the conditions of approval and return it to the Planning Division within 30 days of the effective date of this approval.
8. A copy of the Conditions of Approval for Conditional Use Permit (CUP-15-12) must be kept on the premises of the establishment and presented to any authorized City official upon request.
9. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
10. The applicant/property owner of the establishment must comply with all applicable law. The applicant/property owner must obtain and maintain a valid Alcoholic Beverage Control (ABC) Type 47 (On-Sale General – Eating Place) License. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
11. The service of alcohol is only allowed with the consumption of food within the interior dining area and 381 square foot outdoor dining area, therefore no separate bar area is permitted.
12. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
13. Alcoholic beverages must be served in non-disposable containers and distinguishable from containers used for non-alcoholic beverages.
14. The sale of alcoholic beverages for consumption off the premises is prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption off the premises is prohibited.
15. The restaurant business hours of operation will be Monday through Sunday from 11:30 a.m. to 3:00 p.m. and 5:00 p.m. to 10:00 p.m.
16. Hours of operations for alcohol service at the restaurant are limited to the hours of 11:30 a.m. to 3:00 p.m. for lunch and 5:00 p.m. to 10:00 p.m. daily.
17. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 47 license.

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18. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the restaurant. Said contact's name and phone number must also be available through restaurant staff at all times.
19. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") within the dining room lobby at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non*-drinking driver.
20. There cannot be any exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.
21. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
22. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or
 - b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then the ABC-licensed proprietors must have confirmed with the Community and Economic Development Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - c. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
23. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the restaurant, the city may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

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24. All landscaped areas on the subject property must be permanently provided and continuously maintained in a neat and orderly manner, including weed and trash removal on a daily basis.

LICENSING:

25. Additional business license tax must be paid upon approval of license from Alcoholic Beverage Control (ABC) pursuant to MPMC § 5.12.230.

POLICE:

26. The sale of alcoholic beverages for consumption off the premise is prohibited.
27. Food service is required at all hours that the establishment is open for business.
28. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a media device, such as a videotape, digital storage CPU, DVR or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
29. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
30. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
31. The manager/owner is responsible for maintaining the property free of litter and graffiti.
32. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on March 22, 2016 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.

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33. The restaurant must not be used as a place of entertainment unless application is approved by the City.
34. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
35. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises during the hours of 6:00 p.m. to closing. The security guard will cooperate with the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will have 7 business days to make the necessary changes.

FIRE:

36. If the building is fire sprinklered, the fire sprinkler system requirements and/or modifications require a separate plan check submittal and approval per California Fire Code (CFC) 901.4.
37. The kitchen automatic fire extinguishing system must be modified under a separate permit per CFC 901.4.
38. An approved knox box must exist on the building or a knox box must be provided for the building per CFC 506.
39. All doors designated as exits, except for the main entrance, must be equipped with panic type hardware per CFC 1008.1.9.
40. Illuminated exit signage must be provided per CFC 1011.1.
41. Emergency lighting must be provided per CFC 1006.1
42. All decorative materials used must meet the flame propagation performance criteria of NFPA 701 per CFC 807.1.
43. The occupant load of the dining areas must be posted in an approved location per CFC 1004.3

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By signing this document, Catherine Fong, certifies on behalf of Pecking Ducks 501, Inc. doing business as Duck House, that she read, understood, and agrees to the Project Conditions listed in this document.

Catherine Fong signing on behalf of Pecking
Ducks 501, Inc. doing business as Duck House, Applicant



Planning Commission Staff Report

DATE: March 22, 2016

AGENDA ITEM NO: 3-B

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to Consider a Conditional Use Permit (CU-16-01) to permit on-sale (Type 41 beer and wine) license for a bona fide public eating place – 2098 South Atlantic Boulevard.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Conditional Use Permit (CUP-16-01), subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Steve Rawlings of Alcoholic Beverage Consulting, on behalf of Pieology Pizzeria, is requesting approval of a Conditional Use Permit to allow on-sale beer and wine (Type 41 license) in conjunction with the operation of a bona fide public eating place (Pieology Pizzeria) located at 2098 South Atlantic Boulevard. The property is zoned S-C (Shopping Center) and is designated C (Commercial) in the General Plan.

Staff is recommending approval of the Conditional Use Permit (CUP-15-12) subject to the conditions contained in the Resolution to address any concerns that are typically associated with alcohol uses.

Property Description

The subject property is located on the northeast corner of the South Atlantic Boulevard and West Floral Drive. The subject lot is 121,096 square feet (2.78 acres) in size and is currently developed with multiple stand-alone single-story commercial pad buildings and its related parking that are part of the "Atlantic Square Shopping Center." The Atlantic Square Shopping Center is comprised of a mixture of commercial services, retail and restaurant uses. To the north, south, and west of the subject property are commercial uses and to the east are single-family residential zoned properties. Surface parking is provided within the shopping center. There are a total of 798 at-grade parking spaces.

The property is accessible from South Atlantic Boulevard, West Floral Drive and West Riggins Street.

Pieology Pizzeria recently completed a tenant improvement and will occupy the tenant space as a restaurant. According to the floor plan, the subject unit is 2,644 square feet. The dining area is approximately one-half (1,160 square feet) of the restaurant. The interior dining area is made up of 21 tables that provide 59 chairs plus an L-shaped bench seating area, and standing/queuing area. The remaining area includes the kitchen service area, storage, and restrooms. The business operating, meal service and alcohol service hours are Sunday from 10:00 a.m. to 10:00 p.m., Monday through Thursday from 10:00 a.m. to 10:30 p.m., and Friday through Saturday from 10:00 a.m. to 11:00 p.m. The on-site alcoholic beverages services will complement the restaurant's meals. No separate bar area is indicated on the floor plan of the restaurant, nor is any entertainment proposed for the business at this time.

According to the regulations promulgated by the California Department of Alcoholic Beverage Control (ABC), a total of 4 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4827.01. Based on a population of 1,009 in the census tract, ABC allows 4 on-sale licenses in this census tract; currently there are 7 licensed establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN). Issuing a PCN is contingent upon the Planning Commission granting a Conditional Use Permit ("CUP"). A letter of public convenience or necessity (PCN) is required, to be filed with the Department of Alcohol Beverage Control, from the applicant to comply with ABC licensing requirements. As an eating establishment, ABC assumes this responsibility and no action is required of the City in this regard other than as specified in the Monterey Park Municipal Code ("MPMC"). Based on Staff's discussions with ABC for this project, if the CUP is approved by the City, and because this is an on-sale license in conjunction with a bona fide eating establishment, ABC will issue the PCN as a routine matter.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-site sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. Staff conducted a site inspection and found that the subject property has adequate exterior lighting attached the building walls and parking lot area. The existing exterior lights provide adequate lighting without disturbing the adjacent properties.

The Police Department included condition numbers 22 through 31 in the Resolution to address security and alarm requirements. The Police Department will monitor the subject property relative to safety items such as hours of operation, whether complaints are received, and alcohol must be served along with food only.

This application is for a Type 41 on-sale license for the serving of beer and wine in conjunction with a bona fide public eating place. The applicant has clearly stated that it does not wish to provide entertainment uses. However, if a request were to be submitted at any future date, the applicant would have to request a modification to the CUP.

OTHER ITEMS:

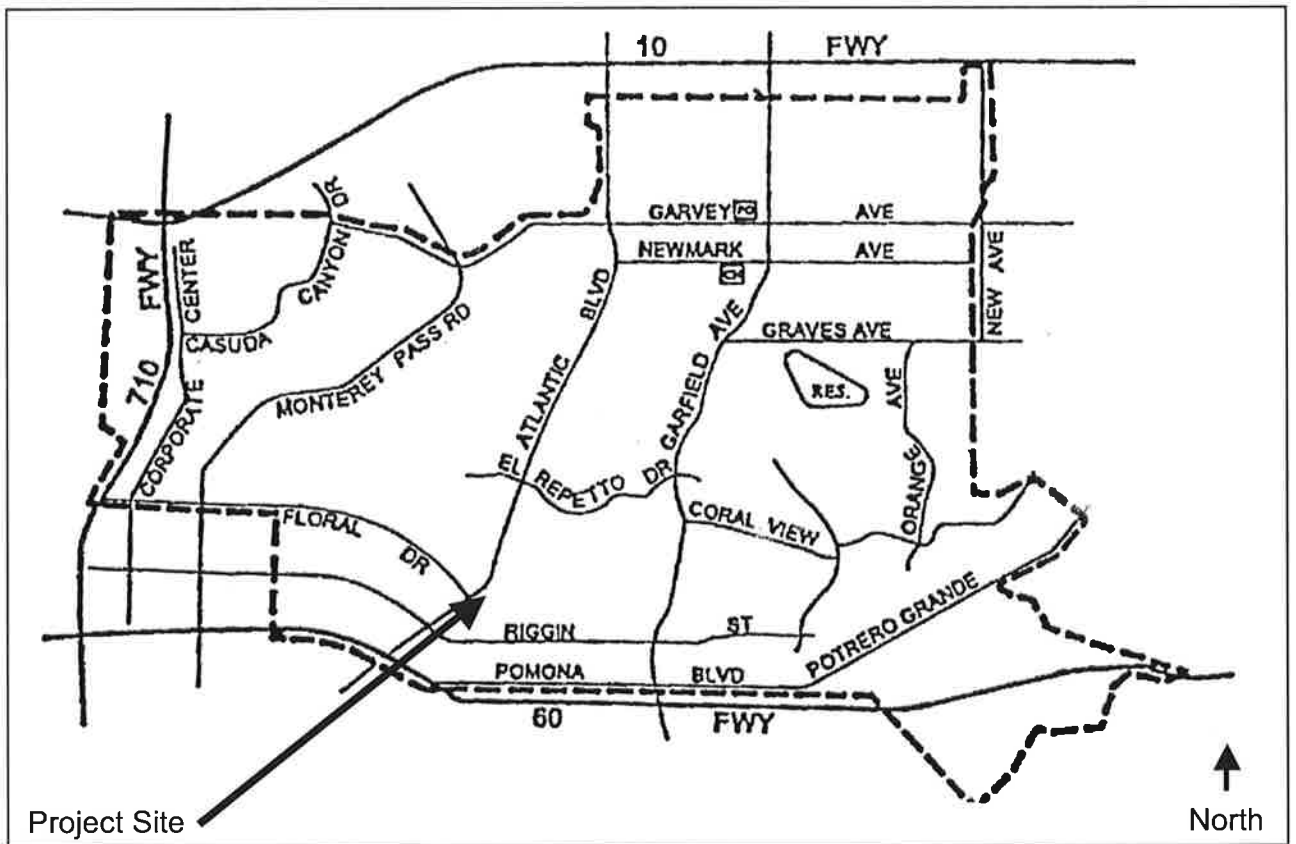
Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **March 10, 2016**, with affidavits of posting on file. The legal notice of this hearing was mailed to **156** property owners within a 300 foot radius and current tenants of the property concerned on **March 10, 2016**.

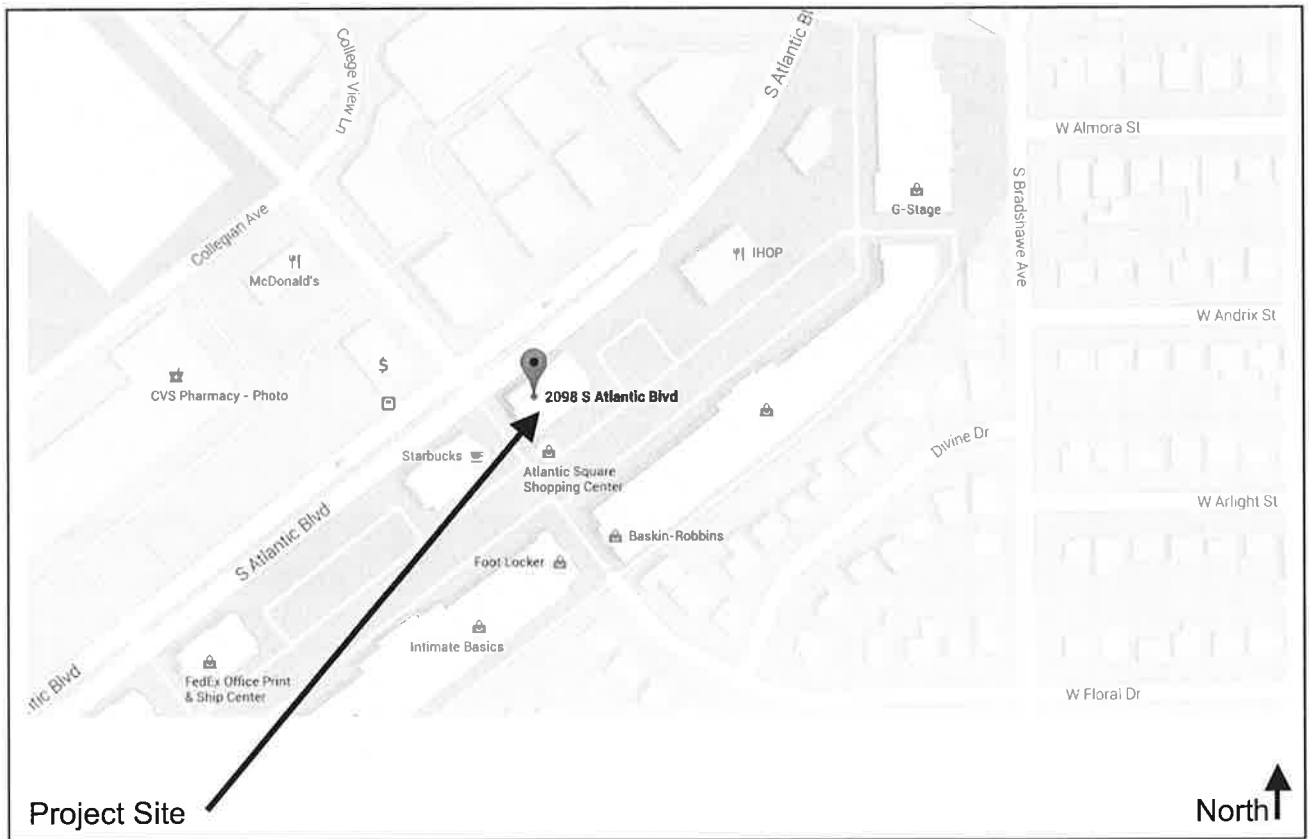
Environmental Assessment

The proposed project is categorically exempt from the provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines § 15301 (Class 1 – Existing Facilities), because the project consist of the operation and licensing of an existing establishment.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

Respectfully submitted,



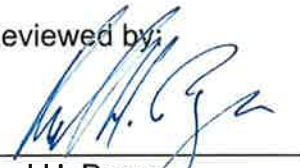
Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Harald Luna
Assistant Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site and floor plans

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-16-01) TO PERMIT ON-SALE ALCOHOLIC BEVERAGES (BEER AND WINE) IN CONJUNCTION WITH A BONA FIDE PUBLIC EATING PLACE AT 2098 SOUTH ATLANTIC BOULEVARD.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On March 15, 2016, Steve Rawlings of Alcoholic Beverage Consulting, on behalf of Pieology Pizzeria, submitted an application, pursuant to Monterey Park Municipal Code ("MPMC") §§ 21.10.230 and 21.32.020, requesting approval of Conditional Use Permit (CUP-16-01) to permit on-sale alcoholic beverages (beer and wine) for a bona fide public eating place (Pieology Pizzeria) at 2098 South Atlantic Boulevard ("Project");
- B. The proposed Project was reviewed by the City of Monterey Park Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the Project before the Planning Commission for March 22, 2016. Notice of the public hearing was posted and mailed as required by the MPMC;
- E. On March 22, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of Steve Rawlings; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its March 22, 2016 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The Applicant seeks to serve beer and wine in conjunction with an existing retail eating establishment;
- B. 2098 South Atlantic Boulevard is zoned S-C (Shopping Center) and designated C (Commercial) in the General Plan;

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- C. The subject property is located in Atlantic Square Shopping Center, on the northeast corner of South Atlantic Boulevard and West Floral Drive. The property is zoned S-C (Shopping Center) and designated C (Commercial) in the General Plan. To the north, south, and west of the subject property are commercial uses and to the east are single-family residential zoned properties; and
- D. The lot is 121,096 square feet (2.78 acres) in size and is currently developed with multiple stand-alone single-story commercial pad buildings and its related parking that are part of the Atlantic Square Shopping Center. There are a total of 798 at-grade parking spaces. The property is accessible from South Atlantic Boulevard, West Floral Drive and West Riggins Street. Atlantic Square Shopping Center is comprised of a mixture of commercial services, retail and restaurant uses.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15301 (Existing Facilities).

SECTION 4: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.230 (B) and 21.32.020, the Planning Commission finds as follows:

1. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for a conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of beer and wine sales for on-site consumption to an existing restaurant. No physical changes are proposed to the site. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The proposed use is not expected to significantly increase traffic. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the Monterey Park Municipal Code zoning regulations. The subject property is designated Commercial in the General Plan. The Commercial land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is the addition of beer and wine sales to accompany meals at an existing retail eating establishment. On-sale alcoholic beverage sales are permitted in the S-C (Shopping Center) Zone with Conditional Use Permit approval. Fourth, the proposed use, as conditioned, will not have an adverse effect on the use, enjoyment or valuation of property in the neighborhood as required security measures will minimize the potential for any negative impacts. Lastly, the proposed use will not have an adverse effect on the public health, safety, and general welfare because security measures and the limited size of the use will limit any potential adverse effects to neighboring properties.

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2. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed use adds on-site beer and wine sales in conjunction with a retailing eating establishment. The property is currently developed with multiple stand-alone single-story commercial pad buildings and its related parking that are part of the Atlantic Square Shopping Center. On-sale of alcoholic beverage uses are permitted with a conditional use permit.

3. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned S-C (Shopping Center). An eating establishment is a permitted principle use in the S-C Zone. Adjacent properties include S-C zoned lots to the north, south, and west. To the east are R-1 (Single-Family Residential) Zone properties developed with single-family residential dwellings. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

4. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine.

The applicant's request to add beer and wine sales (Type 41 alcohol license) for on-site consumption in conjunction with the existing eating establishment will enhance the business and will not adversely affect the welfare of area residents since the addition of beer and wine sales, as mentioned, will be incidental to the primary use. According to ABC regulations, a total of 4 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4827.01. Based on a population of 1,009 in the census tract, ABC allows 4 on-sale licenses in the tract and currently licenses 7 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by the Department of ABC.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a bona fide retail eating establishment. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The existing exterior lights provide adequate lighting without disturbing the

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adjacent properties. The Police Department has included conditions numbers 22 through 31 in the Resolution to address security and alarm requirements.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Conditional Use Permit (CUP-16-01).

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to Steve Rawlings and to any other person requesting a copy.

SECTION 11: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 9, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

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ADOPTED AND APPROVED this 22nd day of March 2016.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 22nd day of March 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO.

Exhibit A

CONDITIONS OF APPROVAL

2098 SOUTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Steve Rawlings of Alcoholic Beverage Consulting, on behalf of Pieology Pizzeria, agrees that Pieology Pizzeria will comply with the following conditions of approval for Conditional Use Permit (CUP-16-01) ("Project Conditions").

PLANNING:

1. Pieology Pizzeria (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP-16-01 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of CUP-16-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. The conditional use permit expires twelve months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of a one year extension may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the Community and Economic Development Director, or designee.
3. The property owner is responsible for maintaining the area adjacent to the business location and the site in general, including any parkways and alleys.
4. The property must remain well maintained and free of graffiti. Failure of the applicant/property owner to remove graffiti within 24 hours written notice by the City will cause the City to abate the graffiti at the cost of the applicant/property owner.
5. A copy of the Conditions of Approval for Conditional Use Permit (CUP-16-01) must be kept on the premises of the establishment and presented to any authorized City official upon request.

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6. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
7. The applicant/owner of the establishment must comply with all applicable law. The applicant must obtain and maintain a valid Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine – Eating Place) License. All conditions of the Alcoholic Beverage Control license must be maintained at all times and failure to do so will be grounds for revocation.
8. The service of alcohol is only allowed with the consumption of food.
9. No entertainment uses including, without limitation, karaoke, dancing, or live music, are permitted at this location unless a modification to the Conditional Use Permit is approved for such use.
10. Alcoholic beverages must be served in non-disposable containers and distinguishable from containers used for non-alcoholic beverages.
11. The sale of alcoholic beverages for consumption outside or off the premises is prohibited. Signs must be posted at all entrances and exits of the premises indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited.
12. The restaurant business hours of operation will be Sunday from 10:00 a.m. to 10:00 p.m., Monday through Thursday from 10:00 a.m. to 10:30 p.m., and Friday through Saturday from 10:00 a.m. to 11:00 p.m.
13. Hours of operations for alcohol service at the restaurant are limited to the hours of Sunday from 10:00 a.m. to 10:00 p.m., Monday through Thursday from 10:00 a.m. to 10:30 p.m., and Friday through Saturday from 10:00 a.m. to 11:00 p.m.
14. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The applicant must obtain and maintain a Type 41 license.
15. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise at the restaurant. Said contact's name and phone number must also be available through restaurant staff at all times.
16. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") within the dining room lobby at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non*-drinking driver.

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17. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to public view from the exterior constitute a violation of this condition.
18. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.
19. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or
 - b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, and wine to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then the ABC-licensed proprietors must have confirmed with the Community and Economic Development Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - c. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
20. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the restaurant, the city may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

LICENSING:

21. Additional business license tax must be paid upon approval of license from Alcoholic Beverage Control (ABC) pursuant to MPMC § 5.12.230.

POLICE:

22. The sale of alcoholic beverages for consumption off the premise is prohibited.
23. Food service is required at all hours that the establishment is open for business.

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24. The restaurant must have security video cameras operating during all hours that the business is open. All cameras must record onto a media device, such as a videotape, digital storage CPU, DVR or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
25. All conditions of the Alcoholic Beverage Control Board must be adhered at all times.
26. The quarterly gross sales of alcoholic beverages cannot exceed the gross sales of food during the same period.
27. The manager/owner is responsible for maintaining the property free of litter and graffiti.
28. Three or more violations of applicable law including, without limitation, these conditions within a one year period (as calculated starting on March 22, 2016 and every anniversary date thereafter) may result in the City commencing revocation of this Conditional Use Permit.
29. The restaurant must not be used as a place of entertainment unless application is approved by the City.
30. The restaurant must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Monterey Park Police Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The restaurant manager/owner must obtain an alarm permit from the Monterey Park Police Department. The permit be my obtained by calling the Monterey Park Police Community Relations Bureau at (626) 307-1215.
31. If the establishment is open for business past midnight (12:01 a.m.), the restaurant will employ one licensed security guard to remain on the premises during the hours of 6:00 p.m. to closing. The security guard will cooperate with

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the Police Department in any official police investigations or other related matters. If at any time, the Chief of Police deems that the security guard/company is inadequate, the Chief may require the owner to retain additional security guards or a new security company. If such a situation arises, the Chief of Police must notify the restaurant owner/manager in writing and the manager/owner will have 7 business days to make the necessary changes.

FIRE:

32. The business owner/manager must complete the fire clearance inspection as required by the Monterey Park Fire Department prior to the operation of the restaurant.

By signing this document, Steve Rawlings of Alcoholic Beverage Consulting, certifies on behalf of Pieology Pizzeria, that he read, understood, and agrees to the Project Conditions listed in this document.

Steve Rawlings of Alcoholic Beverage Consulting,
signing on behalf of Pieology Pizzeria, Applicant

[7.] CLOSED SESSION

ADJOURN

To the next regularly scheduled meeting on April 12, 2016

APPROVED BY:

MICHAEL A. HUNTLEY	
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